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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,928	06/28/2001	Andrew Ferlitsch	SLA 0374	7053
52894	7590	09/07/2006	EXAMINER	
KRIEGER INTELLECTUAL PROPERTY, INC.			QIN, YIXING	
P.O. BOX 1073			ART UNIT	
CAMAS, WA 98607			PAPER NUMBER	
			2625	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,928

Applicant(s)

FERLITSCH, ANDREW

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 6/15/06, all requested changes have been entered.

Response to Arguments

Applicant's arguments filed 6/15/06 have been fully considered but they are not persuasive. The main argument is that the index (indices) of the Kawamoto reference are different from the PISF index of the applicant's invention. However, Kawamoto teaches (in Fig. 5) that indices are created for each page in a print job, which include document wide, persistent, formatting information such as object type, occurrence, color and size. These objects are considered document wide and consistent since they appear through the document. Please see the rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1, 2, 4-8, 10, and 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamoto (U.S. Patent No. 6,172,765).

Regarding claims 1, 10, 14, 18 and 19, Kawamoto discloses a method for creating a page- independent spool file index, said method comprising:

reading a spool data file for a document; (column 4, line 33)

creating a Page-Independent Spool File (PISF) index file (Fig. 5a-e) based on data in said spool data file, wherein said PISF index file reorganizes document-wide, persistent, page formatting data (Fig. 5a-e shows various formatting data such as whether an object on a page is a character, image or rectangle and its occurrence, color and size) in said spool data file into independent units corresponding to each page of said document. (Fig. 5a-e also shows page indices for 5 pages)

Regarding claim 2, Kawamoto discloses further comprising providing a user interface for user manipulation of said PISF index file, after creation of said index file, to effect document page format manipulation options. (Fig. 20 shows a prompt asking a user whether to continue a print job and continue with a resolution or tone reduction)

Regarding claim 4, Kawamoto discloses wherein said user manipulation is performed via a spooler user interface. (Fig. 20 shows an interface that a user can use to acknowledge resolution or tone modification)

Regarding claims 5 and 8, Kawamoto discloses wherein said PISF index file is created by a process that is independent of the process that created said spool data. (Fig. 3 shows that a generating unit creates an index from the spooled document file 38. (column 5, lines 31-34). The document file, as mentioned above, is created by a personal computer.)

Regarding claims 6, 13, and 15-17, Kawamoto discloses wherein said PISF index file is created by a modified print processor. (Fig. 14A - this driver can read on a number of items, since it can process, retain data, and assist a computer and a printer.)

Regarding claim 7, Kawamoto discloses wherein said PISF index file is stored independently of said spool data file. (column 5, lines 53-67 discloses that the job and page index files have been stored in RAM 23. This is before the job/page index file and the print data has been combined, so they would be stored independently of each other.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto (U.S. Patent No. 6,172,765) in view of the applicant's admitted prior art in the background of the invention ("background")

Regarding claims 3 and 11, Kawamoto discloses a method for creating and manipulating index files of pages of a print job.

It does not explicitly disclose "wherein said manipulating comprises re-ordering of pages in said document."

However, the background discloses in page 2, lines 7-19 that there are various formatting options that a user can manipulate such as booklet, n-up and reverse order printing that can affect the order of the pages being printed.

Kawamoto and the background are combinable because both reference disclose techniques using indices to facilitate the printing of a print job.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included various common formatting options such as those disclosed in the background in the Kawamoto invention.

The motivation would be to enhance the capabilities of the Kawamoto invention.

Therefore, it would have been obvious to combine Kawamoto and the background to obtain the invention as specified.

III. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto (U.S. Patent No. 6,172,765) in view of Official Notice

Regarding claims 9 and 12, the Kawamoto discloses a method for creating and manipulating index files of pages of a print job.

It does not explicitly disclose "wherein said manipulation of said PISF index file comprises changing collation options."

However, the Examiner takes Official Notice since collating of pages is a well-known and common option in the art of printing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included various common formatting options such as collation in the Kawamoto invention.

The motivation would be to enhance the capabilities of the Kawamoto invention

Therefore, it would have been obvious to use Kawamoto and the well-known technique of collation to obtain the invention as specified.

Conclusion

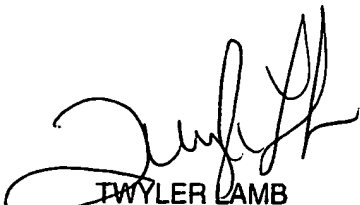
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ 


TWYLER LAMB
SUPERVISORY PATENT EXAMINER